

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 362 – HB 1318

March 30, 2017

**SUMMARY OF ORIGINAL BILL:** Permits a parent to file any documents or forms necessary to execute a surrender or parental consent with a court prior to the birth of the unborn child. Any such surrender or parental consent is invalid prior to the birth of the child and the expiration of any applicable waiting period. After the birth of the child and the expiration of any waiting period, the surrender or parental consent previously filed is considered executed and no additional action is required.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENTS (006165, 006550):** Amendment 006165 deletes all language after the enacting clause. Authorizes a parent to start the process of surrender or parental consent prior to the birth of an unborn child by appearing before a judge of a trial court and presenting any necessary documents or forms. Declares that the surrender or parental consent process started prior to the birth of an unborn child will not be considered executed prior to the birth of the child and the expiration of any applicable waiting period. Authorizes the parent to withdraw the documents and forms presented to the judge at any time prior to the time the surrender or parental consent is executed by notifying the court in which the process of surrender or parental consent was started. Requires a parent to be represented by legal counsel when appearing before a judge to start the process of surrender or parental consent and requires a child to be covered by the health insurance of the child's birth parent until the surrender or parental consent is executed, at which time the child would be covered by the adoptive parent. After the birth of the child and the expiration of any waiting period, the surrender or parental consent previously filed is considered executed and no additional action is required.

Amendment 006550 removes the provision that requires the legal counsel to be an active member of the American Academy of Adoption Attorneys or a similar, nationally recognized group or committee of adoption attorneys, membership in which requires significant qualifications, including a certain number of cases handled and recommendations by other members of the group or committee, as recognized by the judge, and replaces the provision with a new provision that the legal counsel shall be recognized and approved by the judge.

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## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Based on information provided by the Department of Children's Services (DCS), the proposed legislation will not impact current policies and procedures; therefore, any fiscal impact to DCS is not significant.
- Based on information provided by the Administrative Office of the Courts, allowing a parent to start the process of a surrender or parent consent necessary to execute a surrender or parental consent prior to the birth of the child can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Any costs for legal counsel and health insurance will be borne by private third parties.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee" followed by the letters "RNC" in a smaller, cursive script.

Krista M. Lee, Executive Director

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